

REMARKS

Claims 1 through 7, and 9 are pending in the present application. Claims 8, and 10 through 15 having been withdrawn without prejudice to file a potential future continuation patent application.

In the Action, applicant expresses appreciation that the Office indicated that claims 7 and 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, applicant amended claim 7 to place claim 7 in independent form. Applicant respectfully submits that claims 7 and 9 are both now in condition for allowance.

In the Action, the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because reference numeral "76" was omitted from the drawings. Applicant has added previously omitted reference numeral "76" to proposed Figure 9. Reference numeral "76" was disclosed in the specification at page 10, line 11. No new matter has been added to the application. As requested by the Office, applicant requests authorization to submit final corrected drawings showing the proposed corrections as indicated. Reconsideration and withdrawal of the 37 C.F.R. § 1.84(p)(5) rejection are respectfully requested.

In the Action, the Office objection to the specification as having two minor informalities located on (1) page 9, line 24 and (2) on page 10, line 4. On page 9, line 24, the phrase "drive shaft 36" should read "drive

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shaft 38". On page 10, line 4, the phrase "drive pin 42" should read "drive cam 42". The specification is now amended to correct these two minor informalities. No new matter has been added. Reconsideration and withdrawal of the Office's objection to the specification are respectfully requested.

In the Action, claims 1, and 5 through 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 5,816,126 to Pluber (hereinafter "Pluber"). Applicant respectfully traverses this rejection on the grounds that Pluber neither discloses nor suggests the combination of elements of independent claim 1.

Claim 1 provides for a vertical blind cut-down apparatus for trim cutting a vertical blind having a horizontal headrail defining two ends, and vertical blind materials defining upper and lower ends suspended by the upper ends from the headrail. The vertical blind cut down apparatus has a cutting die. The cutting die is for the headrail and is adapted to receive the headrail extending therethrough. The cutting die is movable relative to a holding plate for cutting one end of the headrail. The vertical blind cut down apparatus has a movement transmission device for moving the cutting die and for moving the blind cutting device whereby both the vertical blind materials and the headrail are cut.

Pluber does not disclose or suggest any cutting die for the headrail adapted to receive the headrail extending therethrough, let alone one being movable relative to a holding plate for cutting one end of the headrail.

In contrast, Pluber discloses a cutter for shortening blinds. The cutter has a first opening for receiving a top rail of the blinds and a second opening for receiving the slats. The cutter further has a third opening for receiving a bottom rail. The first opening, the second opening and the third opening are all spaced apart from one another in a longitudinal direction. The cutter also has a support member. The support member is slidably mounted. The support member is for moving in a longitudinal direction of the first opening, the second opening, and the third opening. The cutter has a first blade, a second blade, and a third blade all disposed on the support member. (See col. 4, lines 14 through 31).

Pluber discloses a different configuration where the cutter has the first blade, the second blade and the third blade. Pluber does not disclose any cutting die as claimed in claim 1, let alone one movable relative to a holding plate for cutting one end of the headrail. In contrast, Pluber discloses three separate and distinct blades that cut in a "guillotine like" manner. In view of the clear distinction, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Claims 2 through 6 depend from claim 1, and are patentable for at least the reasons discussed above with regard to independent claim 1. Reconsideration and withdrawal of the rejection of claims 1, and 5 through 6 are respectfully requested. It is noted that claims 2 through 4 were not rejected over any cited art. Applicant respectfully contends that claims 2 through 4 are

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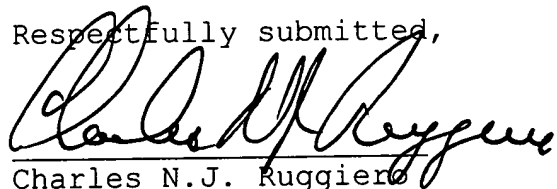
patentable for at least the reasons discussed above for independent claim 1 as these claims depend from claim 1.

Upon filing the application on March 21, 2001 and subsequent to the filing on August 28, 2002, applicant submitted (1) an Information Disclosure Statement, and (2) a second Supplemental Information Disclosure Statement. In the Action, specifically in the document entitled Notice of References Cited, applicant's Information Disclosure Statement dated March 21, 2001 and Supplemental Information Disclosure Statement were not acknowledged by the Office. Accordingly, applicant respectfully requests that the Office initial applicant's Form 1449 in conformance with MPEP §609 as soon as possible from both submissions.

In view of the foregoing, applicant respectfully submits that claims 1 through 7, and 9 are in condition for allowance. Accordingly, applicant respectfully requests favorable consideration and that the application be passed to allowance.

Dated: June 17, 2004

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marocco, Norbert
Serial No: 09/814,261
Filed: March 21, 2001
Title: SINGLE PLATE CUT DOWN APPARATUS
Examiner: Prone, Jason D.
Art Unit: 3724
Docket No.: 625.0006USQ
Customer No.: 27623

ANNOTATED SHEET SHOWING CHANGES MADE

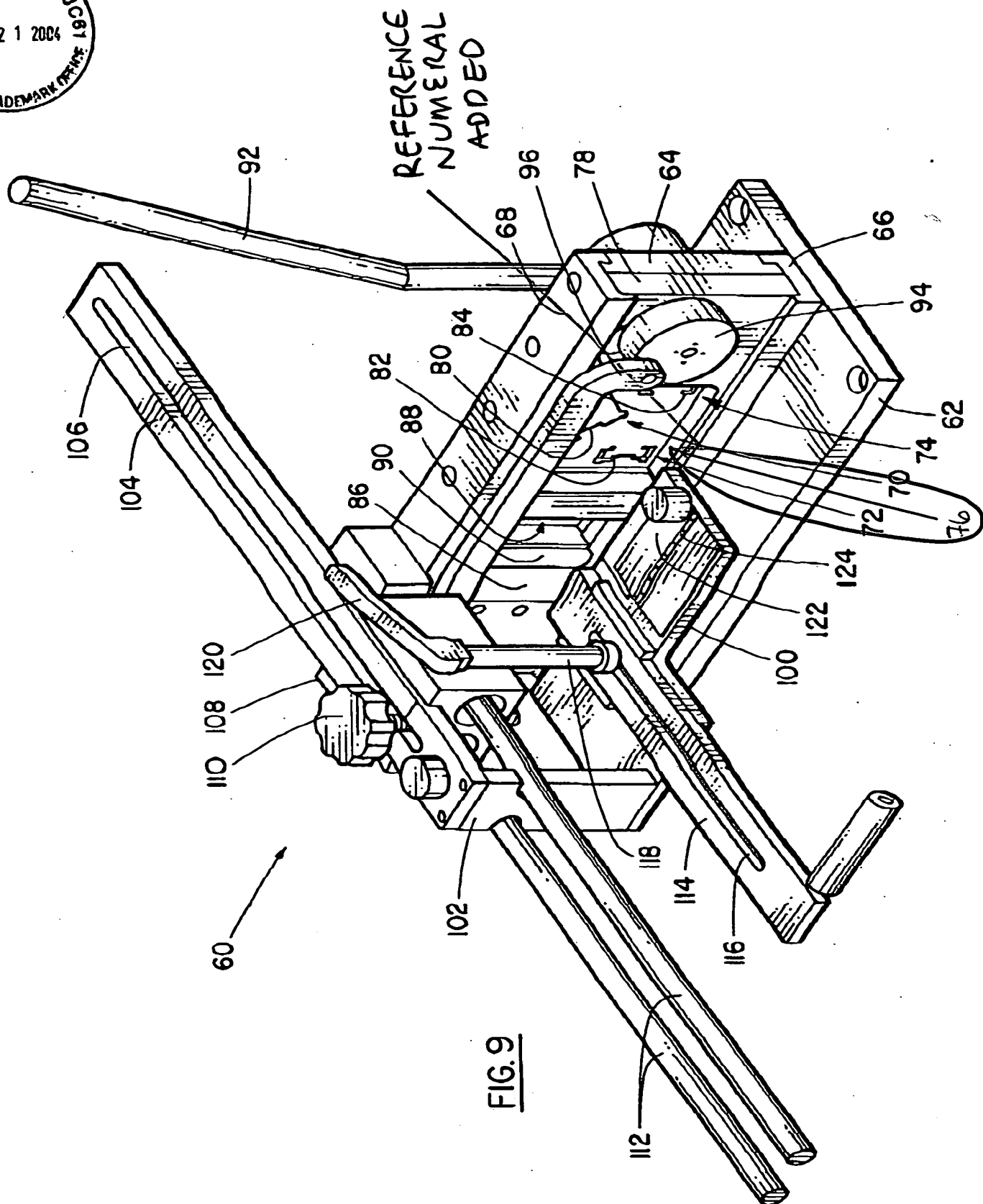


FIG. 9